REMARKS/ARGUMENTS

The Examiner is thanked for the clarity and conciseness of the previous Office Action, and for the citation of references, which have been studied with interest and care.

This Amendment is in response to the Office Action mailed April 6, 2005.

In the Office Action, claim 6 was objected to, claims 1, 5-9, 13-17, and 21-24 stand rejected under 35 U.S.C. § 102, and claims 2-4, 10-12, and 18-20 stand rejected under 35 U.S.C. § 103.

Applicants have amended independent claims 1, 9, and 17 to further clarify embodiments of the invention.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Claim Objections

Claim 6 was objected to due to an informality related to a typographical error in which the "client terminal of claim 6" should have been referred to as "the client terminal of claim 5."

Applicants have remedied this informality and respectfully requests that the Examiner withdraw the objection to claim 6.

Rejection Under 35 U.S.C. § 102

Claims 1, 5-9, 13-17, and 21-24 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,463,586 issued to Jerding (hereinafter Jerding).

MPEP § 2131 provides:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The *identical invention* must be shown in as complete detail as contained in the ... claim." (Emphasis added).

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicants' amended independent claims 1 and 9 now generally relate to programs for: displaying channel identifiers on a display device...selecting one of the channel identifiers in response to a first input...and displaying a pop-up for the selected channel identifier on the display device...wherein...*the pop-up displays first program data associated with the first program of the selected channel identifier in response to the first input and the user interface (claim 1) or client terminal (claim 9) receives a second input while the pop-up is displaying the first program data...and...the pop-up displays second program data associated with a second program of the selected channel identifier in response to the second input.*

Applicants' amended independent claim 17 now generally relates to a method for: displaying channel identifiers on a display device...receiving a first input to select one of the channel identifiers ...displaying a pop-up for the selected channel identifier on the display device...*the pop-up displaying first program data associated with the first program of the selected channel identifier in response to the first input...receiving a second input while the pop-up is displaying the first program data...the pop-up displaying second program data associated with a second program of the selected channel identifier in response to the second input.*

In one embodiment, an example is set forth in Applicants' patent application, and particularly described with reference to Figure 2 of Applicants' patent application, in which pop-up 212 displays first program data 107a associated with a first program (e.g. LAFEMME NIKITA) for the selected USA NETWORK CHANNEL. Based upon a second input (e.g. a next selection) while the pop-up is displaying the first program data, pop-up 240 next displays second program data associated with a second program (e.g. LETHAL WEAPON) of the *selected channel identifier* (e.g. USA NETWORK) in response to the second input.

Applicants respectfully submit that Jerding does not teach each and every limitation of Applicants' amended independent claims 1, 9, and 17, nor does it teach the identical invention as set forth in Applicants' amended independent claims. Applicants respectfully submit that

Jerding is directed to a completely different invention and does not teach or suggest the limitations of Applicants' amended independent claims.

As set forth in the Abstract of Jerding, Jerding relates to a terminal that receives: "a user input identifying a user selected ordering scheme for the program services provided by the associated television system...The terminal either generates a display table or utilizes a previously generated display table, which in either case maps (i.e. orders) the program services as defined by a service table according to the selected ordering scheme for browsing by the subscriber."

Thus, as set forth in the Abstract of Jerding, Jerding is directed to a user selected ordering scheme of program services.

Applicants respectfully submit that nowhere does Jerding teach or suggest Applicants' claim limitations related to: *a pop-up that displays first program data associated with a first program of the selected channel identifier* in response to the first input and receiving a second input while the pop-up is displaying the first program data and *the pop-up displaying second program data associated with a second program of the selected channel identifier in response to the second input.*

On page 6 of the Office Action, the Office Action cites Figure 7 and column 11, lines 19-33 of Jerding as allegedly teaching Applicants' claim limitations related to a pop-up that displays first program data associated with the first program in response to the first input. As set forth in column 11, lines 19-33

> "Accordingly, illustrated in FIG. 7 is a service browsable listing 160 that includes service logo and short description. The service listing 160 is presented to the subscriber and the subscriber enters the particular browse mode, as discussed above. For example, the user may select the enter key 112 so as to cause the terminal 10 to enter into the browse mode and to cause the service listing 160 to be presented. The subscriber may then utilize the activation keys 110 to scroll through the listing of services provided by the service listing 160, wherein the scrolling curser is identified by a selection box 162. While scrolling through the service listing 160, the subscriber may select the highlighted service by pressing

the enter key 112. Upon doing so, the display 122 will change to that selected by the subscriber."

Figure 7 shows a service browsable listing 160 that includes a service logo and a short description. Applicants respectfully submit that this service browsable listing 160 does not teach or suggest a pop-up that displays first program data associated with a first program of a selected channel identifier. Figure 7 and the associated text instead teach a grid-like listing of service logos (e.g. browsable listing 160) that has been particularly ordered in accordance with embodiments of Jerding that provide for a user selected ordering scheme. Particularly, Figure 7 shows a grid-like browsable listing 160 and an information banner 120 at the bottom of the program guide that may display program guide information 132.

It should be noted that a pop-up is commonly defined as: "A type of menu called for and displayed on top of the existing text or image...When the item is selected, the menu disappears and the screen is restored." (Computer Desktop Encyclopedia, 2nd Edition, The Computer Language Company, Inc., pg. 714 (1999)) (Attached as Exhibit A)). Applicants respectfully submit that the grid-like browsable listing 160 and the information banner 120 at the bottom of the program guide that may display program guide information 132 cannot be considered to be a pop-up.

More particularly, there is absolutely no teaching or suggestion in Jerding of a pop-up that displays second program data associated with a second program of the selected channel identifier in response to a second input as set forth in all of Applicants' amended independent claims 1, 9, and 17.

In support for the teaching of a pop-up that displays second program data associated with a second program, the Office Action on page 7 states that Jerding teaches: "When the user selects another service from the service listing of unit 160 and display 122 changes along with program information 132 as described above, it is interpreted that the pop-up displays the second program data associated with the second program in response to the second input."

Applicants respectfully submit Jerding does not teach these limitations of Applicants' amended independent claims 1, 9, and 17.

To begin with, as previously discussed, Applicants respectfully submit that Jerding does not teach or suggest a pop-up that displays first program data associated with a first program of a selected channel identifier. Further, Jerding does not teach that *a pop-up displays second program data associated with a second program of the selected channel identifier*.

Figure 7 to which the Examiner refers, does not show a pop-up - but only a grid-like browsable service listing 160 of Figure 7 and an information banner 120 at the bottom of the program guide.

Further, Applicants respectfully submit that the Office Action's assertion that the selection of another service or channel from the service listing 160 to display a different channel and different program information 132 in the information banner 120 quite simply does not teach or suggest Applicants' amended independent claim limitations directed to a *pop-up displaying second program data associated with a second program of the selected channel identifier* in response to a second input.

Applicants respectfully submit that Jerding does not teach each and every limitation of Applicants' amended independent claims 1, 9, and 17 and is in fact related to a very different invention. Therefore, a prima facie case of anticipation is not present.

It should be noted that claims 2-4, 10-12, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Jerding in view of U.S. Patent No. 6,463,586 issued to Alexander et al. (hereinafter Alexander). Alexandar was cited merely for allegedly teaching next, previous, and record icons and does not relate to the use of pop-ups and relates to grid-like program information listings like Jerding. Particularly, in accordance with the definition of a pop-up as previously set forth, neither Jerding or Alexandar teach or suggest the use of a pop-up in the manner set forth in Applicants' amended independent claims.

In view of the above, Applicants respectfully submit that Jerding alone or in combination with the other references of record does not teach or suggest the limitations of Applicants' amended independent claims 1, 9, and 17 and therefore does not anticipate or render obvious Applicants' amended independent claims.

Accordingly, Applicants respectfully submit that amended independent claims 1, 9, and 17, and the claims that depend therefrom, are therefore patentable over the prior art of record and Applicants respectfully request that they be allowed and passed to issuance.

Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1-24 define the subject invention over the prior art of record. Thus, Applicants respectfully submit that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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Dated: 7/1/2005

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